

DCN 13629

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

V.

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR;
JR.; JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

SUMMONS IN A CIVIL CASE

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

James H. Bilbray, Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

ARK

[Signature]

(By) DEPUTY CLERK

DATE

7/21/05

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (<i>PRINT</i>) Terence J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

☐ Served personally upon the third-party defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

x Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; James H. Bilbray, Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202; and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05
Date

/s/Terence J. Corrigan, Assistant Attorney General
Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

No. 05-3190

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII,

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

6. Defendants James H. Bilbray; Phillip E. Coyle; Harold W. Gehman, Jr.; James V. Hansen; James T. Hill; Lloyd W. Newton; Samuel K. Skinner; and Sue Ellen Turner have been named by the President of the United States to be members of the Defense Base Closure and Realignment Commission.

7. Pursuant to Sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990 as amended, the Defense Base Closure and Realignment Commission is empowered to consider the recommendations of the Secretary of Defense and make recommendations to the President of the United States for the closure and realignment of military bases.

8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

14. The 183rd Operations Group includes the 170th Fighter Squadron.

15. A "group" is a level of command consisting of approximately 500-2,000 persons usually comprising two or more subordinate units. AFI 38-101 §2.2.7.

16. The Groups which make up the 183rd Fighter Wing are composed of various squadrons and flights.

17. A "squadron" is the "basic unit of the Air Force." AFI-38-101 §2.2.8.

18. A "numbered/named flight" is the lowest level unit in the Air Force. AFI 38-101 §2.2.9.1.

19. The wing, groups, squadrons, and flights at the Abraham Lincoln Capital Airport are "units" as the term is defined by AFI 38-101.

20. The proposed realignment would result in the withdrawal or relocation of the fifteen F16 fighter planes currently assigned to the 183rd Fighter Wing and the relocation

or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of
Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819
Facsimile: 217/524-5091
E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

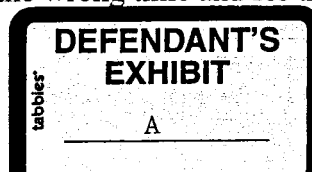
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.



By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these

**DEFENDANT'S
EXHIBIT**

B

recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

V.

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR.;
JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

SUMMONS IN A CIVIL CASE

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

Phillip E. Coyle, Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

7/21/05

DATE

[Signature]

(By) DEPUTY CLERK

DATE _____

NAME OF SERVER (PRINT)

TITLE

re J. Corrigan

Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____

- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

- ☐ Returned unexecuted: _____

- x Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; Phillip E. Coyle, Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202; and Alberto Gonzales, Attorney General of the United States, U.S. Department of Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL	
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05
Date

/s/Terence J. Corrigan, Assistant Attorney General
Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

No. 05-3190

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of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
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GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

COMPLAINT

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10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

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or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

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30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

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36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of
Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819
Facsimile: 217/524-5091
E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

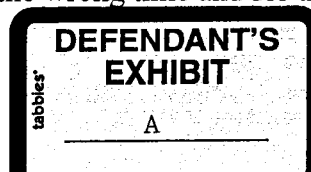
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

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By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these

**DEFENDANT'S
EXHIBIT**

tabbies

B

recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

JD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

V.

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR.;
JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

SUMMONS IN A CIVIL CASE

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

Harold W. Gehman, Jr., Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

RK

[Signature]

(By) DEPUTY CLERK

DATE

7/21/05

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (PRINT) Terence J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- x Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; Harold W. Gehman, Jr., Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202; and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05 /s/Terence J. Corrigan, Assistant Attorney General
Date Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

No. 05-3190

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII,

§4.

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

6. Defendants James H. Bilbray; Phillip E. Coyle; Harold W. Gehman, Jr.; James V. Hansen; James T. Hill; Lloyd W. Newton; Samuel K. Skinner; and Sue Ellen Turner have been named by the President of the United States to be members of the Defense Base Closure and Realignment Commission.

7. Pursuant to Sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990 as amended, the Defense Base Closure and Realignment Commission is empowered to consider the recommendations of the Secretary of Defense and make recommendations to the President of the United States for the closure and realignment of military bases.

8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

14. The 183rd Operations Group includes the 170th Fighter Squadron.

15. A "group" is a level of command consisting of approximately 500-2,000 persons usually comprising two or more subordinate units. AFI 38-101 §2.2.7.

16. The Groups which make up the 183rd Fighter Wing are composed of various squadrons and flights.

17. A "squadron" is the "basic unit of the Air Force." AFI-38-101 §2.2.8.

18. A "numbered/named flight" is the lowest level unit in the Air Force. AFI 38-101 §2.2.9.1.

19. The wing, groups, squadrons, and flights at the Abraham Lincoln Capital Airport are "units" as the term is defined by AFI 38-101.

20. The proposed realignment would result in the withdrawal or relocation of the fifteen F16 fighter planes currently assigned to the 183rd Fighter Wing and the relocation

or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of
Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819
Facsimile: 217/524-5091
E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

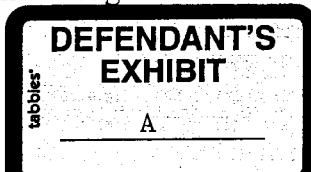
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.



By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

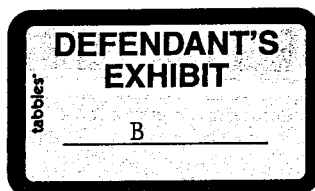
Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these



recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

DONALD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,
V.

SUMMONS IN A CIVIL CASE

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR;
JR.; JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

James V. Hansen, Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

7/21/05

DATE

[Signature]

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (PRINT) e J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; James V. Hansen, Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202 and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05 /s/Terence J. Corrigan, Assistant Attorney General
Date Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

No. 05-3190

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII,

§4.

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

6. Defendants James H. Bilbray; Phillip E. Coyle; Harold W. Gehman, Jr.; James V. Hansen; James T. Hill; Lloyd W. Newton; Samuel K. Skinner; and Sue Ellen Turner have been named by the President of the United States to be members of the Defense Base Closure and Realignment Commission.

7. Pursuant to Sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990 as amended, the Defense Base Closure and Realignment Commission is empowered to consider the recommendations of the Secretary of Defense and make recommendations to the President of the United States for the closure and realignment of military bases.

8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

14. The 183rd Operations Group includes the 170th Fighter Squadron.

15. A "group" is a level of command consisting of approximately 500-2,000 persons usually comprising two or more subordinate units. AFI 38-101 §2.2.7.

16. The Groups which make up the 183rd Fighter Wing are composed of various squadrons and flights.

17. A "squadron" is the "basic unit of the Air Force." AFI-38-101 §2.2.8.

18. A "numbered/named flight" is the lowest level unit in the Air Force. AFI 38-101 §2.2.9.1.

19. The wing, groups, squadrons, and flights at the Abraham Lincoln Capital Airport are "units" as the term is defined by AFI 38-101.

20. The proposed realignment would result in the withdrawal or relocation of the fifteen F16 fighter planes currently assigned to the 183rd Fighter Wing and the relocation

or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of
Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819
Facsimile: 217/524-5091
E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

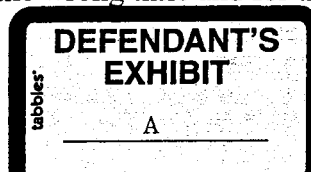
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.



By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

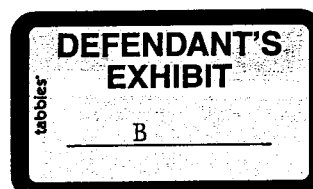
Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these



recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

V.

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR.;
JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

SUMMONS IN A CIVIL CASE

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

James T. Hill, Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

CRK

[Signature]

(By) DEPUTY CLERK

DATE

7/21/05

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (PRINT) Terence J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; James T. Hill, Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202 and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05
Date

/s/Terence J. Corrigan, Assistant Attorney General
Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

No. 05-3190

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII, §4.

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

6. Defendants James H. Bilbray; Phillip E. Coyle; Harold W. Gehman, Jr.; James V. Hansen; James T. Hill; Lloyd W. Newton; Samuel K. Skinner; and Sue Ellen Turner have been named by the President of the United States to be members of the Defense Base Closure and Realignment Commission.

7. Pursuant to Sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990 as amended, the Defense Base Closure and Realignment Commission is empowered to consider the recommendations of the Secretary of Defense and make recommendations to the President of the United States for the closure and realignment of military bases.

8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

14. The 183rd Operations Group includes the 170th Fighter Squadron.

15. A "group" is a level of command consisting of approximately 500-2,000 persons usually comprising two or more subordinate units. AFI 38-101 §2.2.7.

16. The Groups which make up the 183rd Fighter Wing are composed of various squadrons and flights.

17. A "squadron" is the "basic unit of the Air Force." AFI-38-101 §2.2.8.

18. A "numbered/named flight" is the lowest level unit in the Air Force. AFI 38-101 §2.2.9.1.

19. The wing, groups, squadrons, and flights at the Abraham Lincoln Capital Airport are "units" as the term is defined by AFI 38-101.

20. The proposed realignment would result in the withdrawal or relocation of the fifteen F16 fighter planes currently assigned to the 183rd Fighter Wing and the relocation

or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of
Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819
Facsimile: 217/524-5091
E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

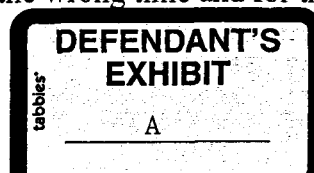
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.



By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

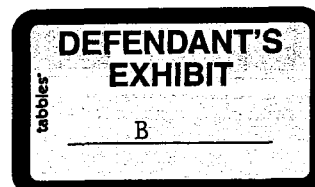
Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these



recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

V.

SUMMONS IN A CIVIL CASE

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR;
JR.; JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

Lloyd W. Newton, Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

7/21/05

DATE

[Signature]

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (PRINT) Terence J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; Lloyd W. Newton, Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202 and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05 /s/Terence J. Corrigan, Assistant Attorney General
Date Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

No. 05-3190

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII,

§4.

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

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8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

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or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of
Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237

Assistant Attorney General

500 South Second Street

Springfield, IL 62706

Telephone: 217/782-5819

Facsimile: 217/524-5091

E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

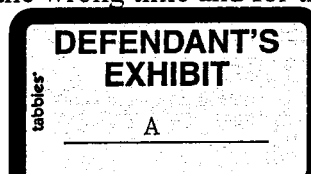
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.



By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

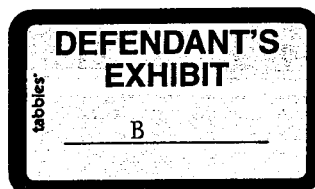
Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these



recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,
V.

SUMMONS IN A CIVIL CASE

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR.;
JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

Anthony J. Principi, Chairman
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (PRINT) Terence J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; Anthony J. Principi, Chairman of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202; and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05 /s/Terence J. Corrigan, Assistant Attorney General
Date Signature of Server

500 South Second Street, Springfield, IL 62706
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

No. 05-3190

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII, §4.

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

6. Defendants James H. Bilbray; Phillip E. Coyle; Harold W. Gehman, Jr.; James V. Hansen; James T. Hill; Lloyd W. Newton; Samuel K. Skinner; and Sue Ellen Turner have been named by the President of the United States to be members of the Defense Base Closure and Realignment Commission.

7. Pursuant to Sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990 as amended, the Defense Base Closure and Realignment Commission is empowered to consider the recommendations of the Secretary of Defense and make recommendations to the President of the United States for the closure and realignment of military bases.

8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

14. The 183rd Operations Group includes the 170th Fighter Squadron.

15. A "group" is a level of command consisting of approximately 500-2,000 persons usually comprising two or more subordinate units. AFI 38-101 §2.2.7.

16. The Groups which make up the 183rd Fighter Wing are composed of various squadrons and flights.

17. A "squadron" is the "basic unit of the Air Force." AFI-38-101 §2.2.8.

18. A "numbered/named flight" is the lowest level unit in the Air Force. AFI 38-101 §2.2.9.1.

19. The wing, groups, squadrons, and flights at the Abraham Lincoln Capital Airport are "units" as the term is defined by AFI 38-101.

20. The proposed realignment would result in the withdrawal or relocation of the fifteen F16 fighter planes currently assigned to the 183rd Fighter Wing and the relocation

or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

Terence J. Corrigan, #6191237
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819
Facsimile: 217/524-5091
E-mail: tcorrigan@atg.state.il.us



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

**DEFENDANT'S
EXHIBIT**

A

By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois



OFFICE OF THE GOVERNOR

Rod R. Blagojevich
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

July 11, 2005

Anthony J. Principi
Chairman of the Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

As you are aware, Secretary of Defense Donald Rumsfeld has recommended that the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing.

In your recent letter to Secretary Rumsfeld, in addition to asking whether we were consulted about this recommendation, you expressed concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these

DEFENDANT'S
EXHIBIT

B

recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

UNITED STATES DISTRICT COURT

CENTRAL

District of

ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

V.

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI;
Chairman of the Defense Base Closure and Re-
Alignment Commission; JAMES BILBRAY;
PHILLIP E. COYLE; HAROLD GEHMAN, JR;
JR.; JAMES HANSEN; JAMES HILL; LLOYD
W. NEWTON; SAMUEL K. SKINNER;
and SUE ELLEN TURNER, members of the
Defense Base Closure and Realignment
Commission,

Defendants.

SUMMONS IN A CIVIL CASE

CASE 05-3190

BRAC Commission

JUL 25 2005

Received

TO: (Name and address of Defendant)

Sue Ellen Turner, Member
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence J. Corrigan
Assistant Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706
Telephone: 217/782-5819

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

[Signature]

CLERK

[Signature]

(By) DEPUTY CLERK

DATE

7/21/05

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/21/05
NAME OF SERVER (<i>PRINT</i>) Terence J. Corrigan	TITLE Assistant Attorney General, State of Illinois

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): Certified mail to the Civil Process Clerk, U.S. Attorney, 600 East Monroe Street, 151 U.S. Courthouse, Springfield, IL 62701; Sue Ellen Turner, Member of the Defense Base Closure and Realignment Commission, 2521 South Clark Street, Suite 600, Arlington, Virginia 22202; and Alberto Gonzales, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-001.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/21/05 /s/Terence J. Corrigan, Assistant Attorney General
Date Signature of Server

500 So. Second St., Springfield, IL 62706
Address of Server

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

FILED

JUL 21 2005

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ROD BLAGOJEVICH, Governor of the
State of Illinois,

Plaintiff,

-vs-

DONALD RUMSFELD, Secretary of Defense
of the United States; ANTHONY J. PRINCIPI,
Chairman of the Defense Base Closure and
Realignment Commission; JAMES H.
BILBRAY; PHILLIP E. COYLE; HAROLD W.
GEHMAN, JR.; JAMES V. HANSEN;
JAMES T. HILL; LLOYD W. NEWTON;
SAMUEL K. SKINNER; and SUE ELLEN
TURNER, members of the Defense Base
Closure and Realignment Commission,

Defendants.

No. 05-3190

COMPLAINT

Plaintiff, ROD BLAGOJEVICH, Governor of the State of Illinois, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and for his complaint against defendants, DONALD RUMSFELD, Secretary of Defense of the United States; ANTHONY J. PRINCIPI, Chairman of the Defense Base Closure and Realignment Commission; JAMES H. BILBRAY; PHILLIP E. COYLE; HAROLD W. GEHMAN, JR.; JAMES V. HANSEN; JAMES T. HILL; LLOYD W. NEWTON; SAMUEL K. SKINNER; and SUE ELLEN TURNER, members of the Defense Base Closure and Realignment Commission, states as follows:

1. Plaintiff, Rod Blagojevich, is the Governor of the State of Illinois.
2. Pursuant to the Constitution and laws of the State of Illinois, plaintiff is the Commander in Chief of the military forces of the State of Illinois, except for those persons who are actively in the service of the United States. Illinois Constitution of 1970 art. XII,

3. Defendant Donald Rumsfeld is the Secretary of Defense of the United States.

4. Pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, Secretary Rumsfeld is authorized to make recommendations for the closure and realignment of federal military bases in the United States to the Defense Base Closure and Realignment Commission.

5. Defendant Anthony J. Principi has been named by the President of the United States to be Chairman of the Defense Base Closure and Realignment Commission.

6. Defendants James H. Bilbray; Phillip E. Coyle; Harold W. Gehman, Jr.; James V. Hansen; James T. Hill; Lloyd W. Newton; Samuel K. Skinner; and Sue Ellen Turner have been named by the President of the United States to be members of the Defense Base Closure and Realignment Commission.

7. Pursuant to Sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990 as amended, the Defense Base Closure and Realignment Commission is empowered to consider the recommendations of the Secretary of Defense and make recommendations to the President of the United States for the closure and realignment of military bases.

8. Pursuant to Sections 2903 and 2904 of the Defense Base Closure and Realignment Act of 1990 as amended, the Secretary of Defense of the United States shall close the bases recommended for closure by the Commission and realign the bases recommended for realignment, unless the recommendation of the Defense Base Closure and Realignment Commission is rejected by the President of the United States or disapproved by a joint resolution of Congress.

9. The Air National Guard base at the Abraham Lincoln Capital Airport is used for the administering and training of the reserve components of the armed forces.

10. Defendant Rumsfeld has recommended to the Base Closure and Reassignment Commission that the 183rd Fighter Wing be realigned.

11. The 183rd Fighter Wing of the Illinois Air National Guard is presently located at the Abraham Lincoln Capital Airport in Springfield, Illinois.

12. A "wing" is defined by Air Force Instruction 38-101 as a level of command with approximately 1,000-5,000 persons which has a distinct mission with a significant scope and is responsible for monitoring the installation or has several squadrons in more than one dependent group. AFI 38-101 §2.2.6.

13. The 183rd Fighter Wing is composed of Headquarters Staff, the 183rd Operations Group, the 183rd Maintenance Group, the 183rd Medical Group, and the 183rd Mission Support Group.

14. The 183rd Operations Group includes the 170th Fighter Squadron.

15. A "group" is a level of command consisting of approximately 500-2,000 persons usually comprising two or more subordinate units. AFI 38-101 §2.2.7.

16. The Groups which make up the 183rd Fighter Wing are composed of various squadrons and flights.

17. A "squadron" is the "basic unit of the Air Force." AFI-38-101 §2.2.8.

18. A "numbered/named flight" is the lowest level unit in the Air Force. AFI 38-101 §2.2.9.1.

19. The wing, groups, squadrons, and flights at the Abraham Lincoln Capital Airport are "units" as the term is defined by AFI 38-101.

20. The proposed realignment would result in the withdrawal or relocation of the fifteen F16 fighter planes currently assigned to the 183rd Fighter Wing and the relocation

or removal of the positions of 185 full time and 452 part time personnel.

21. Plaintiff has information and believes that the proposed realignment will result in the withdrawal or relocation of various units of the Illinois Air National Guard, including the 170th Fighter Squadron, the 183rd Operational Support Flight, and large portions of the 183rd Maintenance Group.

22. The result of the withdrawal or relocation of these units is that the 183rd Fighter Wing will cease to exist, because the units remaining will be insufficient to meet the definition of a "wing."

23. The Illinois National Guard constitutes a portion of the reserve component of the armed forces of the United States.

24. Defendant Rumsfeld has recommended that units of the Illinois Air National Guard be relocated or withdrawn.

25. Pursuant to 10 U.S.C. §18238, "A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the Governor of the State."

26. Plaintiff has not consented to withdrawal or relocation of units of the Illinois Air National Guard.

27. Plaintiff has informed defendants that he did not consent to withdrawal or relocation of Air National Guard units and stated that:

The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

See Exhibits A, B.

28. Pursuant to 32 U.S.C. §104(a) each State may fix the locations of the units and headquarters of its National Guard.

29. Pursuant to 32 U.S.C. §104(c) "no change in the branch, organization, or allocation of a unit located entirely within a state may be made without the approval of its Governor."

30. The units of the 183rd Fighter Wing are presently located entirely within the State of Illinois.

31. Federal law prohibits defendant Rumsfeld from taking action to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois.

32. Pursuant to 10 U.S.C. §18235(b)(1) the Secretary of Defense may not permit any use or disposition of a facility for a reserve component of the armed forces that would interfere with the facilities' use for administering and training the reserve components of the armed forces.

33. The realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld would interfere with the use of the Abraham Lincoln Capital Airport for the training and administering of reserve components of the armed forces and is barred by 10 U.S.C. §18235(b)(1).

34. By virtue of defendant Rumsfeld's proposal to realign the 183rd Fighter Wing without the consent of the Governor of the State of Illinois an actual controversy exists between the parties.

35. The members of the Base Closure and Realignment Commission have interests which could be affected by the outcome of this litigation and are made defendants

pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

36. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

37. Venue is proper in the Central District of Illinois by virtue of the fact that the Abraham Lincoln Capital Airport where the 183rd Fighter Wing is based is in the Central District of Illinois and by virtue of the fact that the official residence of the Governor of the State of Illinois is in the Central District of Illinois.

WHEREFORE, plaintiff prays that this honorable Court grant the following relief:

- A. Enter a declaratory judgment declaring the realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law; and
- B. Granting such other relief as is warranted in the circumstances.

ROD BLAGOJEVICH, Governor of the State of Illinois,

Plaintiff,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Plaintiff,

BY: /s/Terence J. Corrigan

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OFFICE OF THE GOVERNOR

Rod R. Blagojevich
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CHICAGO, ILLINOIS 60601

July 11, 2005

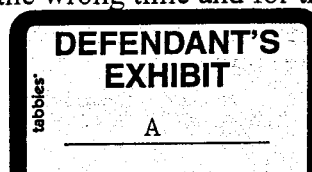
The Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Room 3E800
Washington D.C. 20301

Dear Secretary Rumsfeld:

According to the recent BRAC recommendations issued by the Department of Defense, the fighter mission of 183rd Fighter Wing at Abraham Lincoln Capitol Airport in Springfield, Illinois would be realigned to another state. If this recommendation is upheld by the Defense Base Closure and Realignment Commission, the 183rd Fighter Wing will no longer have a flying mission.

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Chairman Principi recently wrote you expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security. The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.



By this letter I wish to formally notify you that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the above reference statutory citations, the actions proposed by your Department cannot proceed.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois

recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons.

By this letter, I wish to formally notify the Commission that I do not consent to the proposed realignment of the 183rd Fighter Wing. Accordingly, pursuant to the statutory citations referenced above, the actions proposed by Secretary Rumsfeld cannot proceed. I expressed similar sentiments to your fellow commissioners on June 20, 2005, at the BRAC Regional Hearings in St. Louis via both oral and written testimony.

Thank you for your time and consideration.

Sincerely,

Signature redacted pursuant to
USDC-CDIL Adm.Proc. Rule II(I)(1)(f)

Rod Blagojevich
Governor of Illinois